

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

39 CIVIL APPLICATION NO.11231 OF 2023
IN FA/948/2020 WITH CA/9659/2019 IN FA/948/2020

RAMLAL GOTIRAM LAD AND ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, JALNA AND ORS

...
Advocate for Applicants : Mr. More Kumar Gaurav M.
AGP for Respondents 1 & 2 : Mr. K.B. Jadhavar
Advocate for Respondent 3 : Mr. S.S. Dande
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 06/11/2023

PER COURT :

1. Heard the learned counsel for the parties.
2. Civil Application for withdrawal of amount is filed by the original claimants. The learned counsel for the original claimants has produced on record the earlier order dated 25.11.2019 passed by this Court in Civil Application No. 13086/2019 in First Appeal St. No. 36316/2018, whereby this Court has permitted the applicants therein to withdraw 75% of the compensation amount deposited in this Court, 50% by furnishing an undertaking in the usual terms and 25% by furnishing a solvent surety. However, taking into consideration the fact that large amount in the case is involved, this Court by order dated 26.7.2021 passed in Civil Application No. 3780/2021 in First Appeal No. 948/2020 has permitted the applicants therein to withdraw 25% of the amount deposited in this Court on furnishing an undertaking to the satisfaction of the Registrar Judicial of this Court and also permitted the applicants therein to withdraw 25% of the amount deposited in this Court, on submitting solvent surety / security.
3. The learned counsel for the Acquiring Body has strongly opposed the

application for withdrawal of amount.

4. Considering the above submissions and in view of the order dated 25.11.2019, I deem it appropriate to permit the applicants herein to withdraw further 25% of the amount along with the proportionate interest accrued thereon till date on furnishing solvent surety/ security to the satisfaction of the Registrar Judicial of this Court. The remaining amount, if any, be invested in any nationalized bank on yearly renewal basis till final disposal of this appeal. The application for withdrawal of amount is disposed of.

5. Since the appellant Acquiring Body has deposited amount of compensation as directed by this Court, the ad-interim stay granted earlier is confirmed. Stay application is disposed of.

6. Appeal is **admitted**.

7. On admission, the learned AGP waives service of notice for respondent Nos. 1 and 2 and Mr. G.M. More, learned counsel waives service of notice for claimants.

8. Call R. & P.

[ARUN R. PEDNEKER J.]

ssc/